

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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William Howard Rutland, III, #09030325,
a/k/a William H. Rutland, III,

Plaintiff,

v.

Sargent Burkeholder, Shift Sargent,
Berkeley County Sheriff's Office Detention
Center; Sargent Sanders, BCSD, BCDC,
and Sargent Jacumin, BCSD, BCDC,


Defendants.

2009 NOV -3 A 9: 30

Civil Action No. 8:09-2476-SB

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint seeking damages and other relief for "denial of access to court." By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.



On October 1, 2009, United States Magistrate Judge Bruce Howe Hendricks issued a report and recommendation ("R&R") analyzing the Plaintiff's complaint and recommending that the Court dismiss the Plaintiff's complaint without prejudice and without issuance and service of process for failure to state a cognizable claim under 42 U.S.C. § 1983 and based on its frivolity. In the R&R, the Magistrate Judge also recommended that the dismissal of this case be deemed a strike pursuant to 28 U.S.C. § 1915(e)(2) and (g). Attached to the R&R was a notice advising the Plaintiff of his right to file specific, written objections to the R&R within ten days of the date of service of the R&R. To date, no objections have been filed.¹

¹ The Plaintiff recently submitted a letter requesting information on all of his cases (of which there are at least 15). In response, the Clerk's Office sent the Plaintiff a list of the cases indicating which cases are open and which are closed as well as the deadlines

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R (Entry 8) as the Order of this Court, and it is

ORDERED that the Plaintiff's complaint is dismissed without prejudice and without issuance and service of process due to its frivolity. The dismissal of this case is also deemed a strike pursuant to 28 U.S.C. § 1915(e)(2) and (g).

AND IT IS SO ORDERED.



The Honorable Sol Blatt, Jr.
Senior United States District Judge

#2

November 2, 2009
October 2, 2009
Charleston, South Carolina

for filing responses to motions and/or objections to the R&R. A copy of the Plaintiff's letter as well as the Clerk's Office response was filed in all of the Plaintiff's open cases.